

From: Carter, Sean <SCarter1@cozen.com>
Sent: Friday, July 23, 2021 3:05 PM
To: Steven R. Pounian; Rapawy, Gregory G.; zRobert Haefele; Kreindler, James; Maloney, III, Andrew; Megan Benett; Tarbutton, Joseph; Goldman, Jerry; WTC[jflowers@motleyrice.com]; Capone, Thea; NASP[rsheps@shepslaw.com]; cbaltier@fordmarrin.com; jog@speiserkrause.com; WTC[PByrnes@lockelord.com]; WTC[ATaylor@lockelord.com]; WTC[ppetrocelli@stroock.com]; skatz@butler.legal; gmcallister@cahill.com; WTC[trohback@axinn.com]; esnyder@jonesday.com; scottreau@jonesday.com; enitz@mololamken.com; rkry@mololamken.com; sumayya.khatib@lbkmlaw.com; jmandell@otmlaw.com; gsalem@georgesalempllc.com; WTC[sarah.normand@usdoj.gov]; Vargas, Jeannette
Cc: Kellogg, Michael K.; Shen, Andrew C.
Subject: [EXTERNAL] RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

Greg,

Tagging on to Steve's email, we have not yet had a chance to confer with all of the plaintiffs' counsel on your list, owing to the Marks deposition yesterday and the Comras deposition today, but do plan to reach out to them as well.

As for Cozen O'Connor, and as indicated above, we are happy to cooperate by providing information confirming that the apparent disclosure of confidential information to Michael Isikoff has no linkage to us, subject to a reservation of all privileges etc.

The first notice we received that any confidential information may have been disclosed to Mr. Isikoff was the publication of the story itself. For a variety of reasons, we were confident from the outset that there was no possible link to our firm. Nonetheless, we regarded Mr. Isikoff's reporting that he had obtained a copy of the transcript to be a serious matter, and therefore initiated an internal inquiry that same day to verify that no person under our umbrella was involved in providing any confidential information or materials to Mr. Isikoff. We are confident that the results of that inquiry will eliminate any concerns as far as we are concerned, and we are willing to provide relevant and appropriate details pursuant to a voluntary process, without waiving any privileges.

Best, Sean



Sean P. Carter
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KSAX-0042

Case No.
 03-md-1570

From: Steven R. Pounian <Spounian@kreindler.com>
Sent: Friday, July 23, 2021 3:00 PM
To: Rapawy, Gregory G. <grapawy@kelloggghansen.com>; zRobert Haefele <rhaefele@motleyrice.com>; WTC[jkreindler@kreindler.com] <jkreindler@kreindler.com>; WTC[amaloney@kreindler.com] <amaloney@kreindler.com>; Megan Benett <Mbenett@kreindler.com>; Carter, Sean <SCarter1@cozen.com>; Tarbutton, J. Scott <STarbutton@cozen.com>; WTC[jgoldman@andersonkill.com] <jgoldman@andersonkill.com>; WTC[jflowers@motleyrice.com] <jflowers@motleyrice.com>; WTC[tcapone@baumeisterlaw.com]

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Cc: Kellogg, Michael K. <mkellogg@kellogghansen.com>; Shen, Andrew C. <ashen@kellogghansen.com>

Subject: RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

****EXTERNAL SENDER****

Dear Greg,

We do not believe that there is any dispute among the parties that necessitates a motion.

The PECs share your concerns about the apparent disclosure of confidential information. The Cozen, Motley Rice, Kreindler, and Anderson Kill firms have each completed our own separate internal reviews of the handling of the Jarrah deposition transcript and contacts with Michael Isikoff. Each firm has determined that the transcript was not released through our firms or others working with our firms and are prepared to document the facts, if necessary.

Please let us know if the Kellogg firm and other counsel working for Saudi Arabia can give us the same assurances.

We did not conduct separate inquiries relating to the Bayoumi or Thumairy transcripts and are of the view that further inquiries are unnecessary under the circumstances.

We do not see the need for a formal court-ordered discovery process and have concerns that your proposal may require disclosure of privileged information or involve inquiries that are unnecessary under the circumstances.

If you would like, we can schedule a phone conference to resolve any outstanding issues. Please let us know.

Regards,

Steve

From: Rapawy, Gregory G. <grapawy@kellogghansen.com>

Sent: Thursday, July 22, 2021 11:44 AM

To: zRobert Haefele <rhaefele@motleyrice.com>; Steven R. Pounian <Spounian@kreindler.com>; Jim Kreindler <JKreindler@kreindler.com>; Andrew J. Maloney <AMaloney@kreindler.com>; Megan Benett <Mbenett@kreindler.com>; Carter, Sean <SCarter1@cozen.com>; zScott Tarbutton <starbutton@cozen.com>; Goldman, Jerry <jgoldman@andersonkill.com>; zJodi W. Flowers <jflowers@motleyrice.com>; zDorothea Capone <tcapone@baumeisterlaw.com>; rsheps@shepslaw.com; cbaltier@fordmarrin.com; jog@speiserkrause.com; pbyrnes@lockelord.com; ataylor@lockelord.com; ppetrocelli@stroock.com; skatz@butler.legal; gmcallister@cahill.com; trohback@axinn.com; esnyder@jonesday.com; scottreau@jonesday.com; enitz@mololamken.com; rkry@mololamken.com; sumayya.khatib@lbkmlaw.com; jmandell@otmlaw.com; gsalem@georgesalempllc.com; zSarah S. Normand <sarah.normand@usdoj.gov>; Vargas, Jeannette <jeannette.vargas@usdoj.gov>

Cc: Kellogg, Michael K. <mkellogg@kellogghansen.com>; Shen, Andrew C. <ashen@kellogghansen.com>

Subject: RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

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Bob,

Thanks for your response. We will hold off filing until we receive Plaintiffs' position, or 3 pm tomorrow (Friday), whichever comes first.

Regards,

Greg

From: Haefele, Robert <rhaefele@motleyrice.com>

Sent: Thursday, July 22, 2021 11:19 AM

To: Rapawy, Gregory G. <grapawy@kellogghansen.com>; Steven R. Pounian <spounian@kreindler.com>; Kreindler, James <jkreindler@kreindler.com>; Maloney, III, Andrew <amaloney@kreindler.com>; Benett, Megan <mbenett@kreindler.com>; Carter, Sean <SCarter1@cozen.com>; Tarbutton, Joseph <starbutton@cozen.com>; Goldman, Jerry <jgoldman@andersonkill.com>; Flowers, Jodi <jflowers@motleyrice.com>; Capone, Thea <tcapone@baumeisterlaw.com>; rsheps@shepslaw.com; cbaltier@fordmarrin.com; jog@speiserkrause.com; pbyrnes@lockelord.com; ataylor@lockelord.com; ppetrocelli@stroock.com; skatz@butler.legal; gmcallister@cahill.com; trohback@axinn.com; esnyder@jonesday.com; scottreau@jonesday.com; enitz@mololamken.com; rkry@mololamken.com; sumayya.khatib@lbkmlaw.com; jmandell@otmlaw.com; gsalem@georgesalempllc.com; sarah.normand@usdoj.gov; Vargas, Jeannette <jeannette.vargas@usdoj.gov>

Cc: Kellogg, Michael K. <mkellogg@kellogghansen.com>; Shen, Andrew C. <ashen@kellogghansen.com>

Subject: [EXTERNAL] RE: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

Greg – While I think I can say that there is shared concern on our side as to how the release may have happened, we believe it would be appropriate for us to confer on our side, including with the various non-PECs counsel listed on your email, to address your request. However, we are not in a position to do so today given that we are in the midst of the deposition of WAMY's expert, Jonathan Marks. We also have a deposition set for tomorrow of one of the plaintiffs' experts. However, we can commit to trying to confer by tomorrow at 3 pm. Can you please allow us that time to confer before getting back to you?

Regards,

Robert Haefele | Attorney at Law | Motley Rice LLC
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From: Rapawy, Gregory G. <grapawy@kellogghansen.com>

Sent: Wednesday, July 21, 2021 9:14 PM

To: Steven R. Pounian <spounian@kreindler.com>; Kreindler, Jim <JKreindler@kreindler.com>; Andrew J. Maloney <amaloney@kreindler.com>; Benett, Megan <mbenett@kreindler.com>; Carter, Sean <SCarter1@cozen.com>; Tarbutton, Scott <starbutton@cozen.com>; Goldman, Jerry S. <jgoldman@andersonkill.com>; Haefele, Robert <rhaefele@motleyrice.com>; Flowers, Jodi <jflowers@motleyrice.com>; Capone, Thea <tcapone@baumeisterlaw.com>; rsheps@shepslaw.com; cbaltier@fordmarrin.com; jog@speiserkrause.com; pbyrnes@lockelord.com; ataylor@lockelord.com; ppetrocelli@stroock.com; skatz@butler.legal; gmcallister@cahill.com; trohback@axinn.com; esnyder@jonesday.com; scottreau@jonesday.com; enitz@mololamken.com; rkry@mololamken.com; sumayya.khatib@lbkmlaw.com; jmandell@otmlaw.com; gsalem@georgesalempllc.com; sarah.normand@usdoj.gov;

Vargas, Jeannette <jeannette.vargas@usdoj.gov>

Cc: Kellogg, Michael K. <mkellogg@kellogghansen.com>; Shen, Andrew C. <ashen@kellogghansen.com>

Subject: In re Terrorist Attacks on September 11, 2001, No. 1:03-md-01570-GBD-SN

CAUTION:EXTERNAL

SUBJECT TO MDL PROTECTIVE ORDER

Counsel.

On July 15, 2021, Michael Isikoff of Yahoo! News published an article entitled “FBI tried to flip Saudi official in 9/11 investigation.” The article states that “a copy of the [Mussaed Al Jarrah] deposition – with some redactions for law-enforcement sensitive material – was obtained exclusively by Yahoo News” and describes in detail certain portions of the content of that deposition, including verbatim transcript quotations. The article further describes the contents of the Omar Al Bayoumi and Fahad Al Thumairy depositions. The disclosure to Mr. Isikoff is a clear and serious violation of the MDL Protective Order and potentially of the FBI Protective Order.

Tomorrow (July 22), Saudi Arabia intends to file a motion requesting that the Court order targeted discovery to determine who disclosed this confidential information to Mr. Isikoff. Specifically, the motion will request that the Court direct all entities or individuals who received or had access to the transcripts of the Al Jarrah, Al Bayoumi, and Al Thumairy depositions to submit declarations stating to whom they provided these transcripts and to identify, describe, and where applicable produce, all communications with Mr. Isikoff from June 1, 2021 to the present.

Please inform us by no later than tomorrow at 3 pm whether your clients consent to this requested relief. Saudi Arabia reserves all rights to seek further relief concerning this matter.

Regards,

Gregory G. Rapawy
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